

City Council Meeting Minutes
May 11, 2017
Special Session
5:30 p.m.

The Xenia City Council met in a Special Session on May 11, 2017, at 5:30 p.m. in the City Council Chambers, City Administration Building, with the following members present: Edgar Wallace, Dale Louderback, Sarah Mays, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith was absent.

Motion by Councilwoman Mays, seconded by Mayor Bayless, to adjourn to Executive Session to discuss Personnel Matters – Labor Negotiations per XCO §206.04(a)(4) and ORC §121.22(G)(4) and Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2). No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

At 7:00 p.m., the Council adjourned their Executive Session to prepare for their Regular Session immediately following.

Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on May 11, 2017, at 7:04 p.m., in the City Council Chambers, City Administration Building, with the following members present: Edgar Wallace, Dale Louderback, Sarah Mays, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Councilwoman Mays, seconded by Councilman Wallace, to excuse Vice President Smith from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried

INVOCATION: Pastor Dan Jordan, Xenia Grace Chapel, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilwoman Mays, seconded by Councilwoman Mills, to approve the April 27, 2017, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

President Engle said due to the length of the meeting and subsequent minutes, the April 27, 2017, Regular Session minutes will be held in abeyance until the May 25, 2017, Council meeting.

SPECIAL PRESENTATION:

Resolution of Appreciation for Diana L. Steck. Mayor Bayless said she is honored to make a special presentation for Ms. Steck. She read the resolution in its entirety to acknowledge Ms. Steck for her 12 years of service as the Accounts Receivable Manager. (Applause followed.)

Mr. Bazalak thanked Ms. Steck for her time, effort, and personal dedication for the citizens of the community at great personal sacrifice. He cannot thank Ms. Steck enough for her hard work in the Finance Department. Without hesitation, he can say that Ms. Steck was the right person at the right time and the right place for her particular position. He cannot say enough about her hard work and the advances that have come to the City as a direct result of her efforts. Staff will miss her terribly, but he wished her luck with her retirement.

Ms. Steck said Mr. Bazalak is the best boss anyone could have. He was always willing to allow her to try new things to help improve the Finance Department. She really enjoyed her time with the City and will miss everyone.

Councilwoman Mills presented a RESOLUTION OF APPRECIATION FOR DIANA L. STECK IN RECOGNITION OF HER VALUABLE SERVICE TO THE CITY OF XENIA, AND DECLARING IT TO BE AN EMERGENCY

Motion by Councilwoman Mills, seconded by Mayor Bayless, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Mayor Bayless, that Resolution Number 17-M be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

John Caupp, 936 Orville Way, congratulated Ms. Steck on her time with the City; she was a fine employee. When he last spoke at a Council meeting, he neglected to congratulate Bill Buckwalter on his 42 years of service. He wanted to speak to Council as a Board Member for the Board of Elections. When Denise Percival was hired as the Deputy Director for the Board of Elections, she approached the City Clerk about changing the City's petition to run for City Council. The City of Xenia and the Village of Yellow Springs are the only two municipalities in Greene County that do not use the standard Secretary of State petition that can be accessed on their website. It would be nice if everyone in Greene County could be uniform and use the same petition. The City would not have to change the number of required signatures or any other stipulations, but it would standardize the petition to be the same form everyone else is using in Greene County. He hopes Council will address that issue with the City Clerk to see if the change

could be made prior to the upcoming election season. Councilman Wallace asked when the change would need to be made to be effective by the next election season. President Engle said they could ask the City Clerk to investigate this issue. Mr. Bazalak said they have looked into the possibility in the past, but he did not recall where they left off. He will research the situation and get back to Council.

Thomas Scrivens, 725 Lexington Avenue, thanked Council for getting the curbs painted yellow, which makes the City look a lot better. It helps people know where parking is prohibited. He noted that some semis are parking in restricted areas in certain neighborhoods. He congratulated Bridges of Hope for obtaining the Simon Kenton building; he is looking forward to great things from them in the future. He thanked Council for giving the building to Bridges of Hope. He hates to see Superintendent Morrison retire, but even with two failed levy attempts, they need to continue to press forward. There was a lot of cut grass pouring into the storm drain after the last rain, and he asked if City crews could keep an eye on the situation especially after a rain event. There is still standing water at various areas around the community, and some areas have been brought to Council's attention in the past. He is happy that city workers have pulled out the paint to help make the downtown area presentable. He would like to see each of the City's entryways beautified with landscaping and signage that reads "Welcome to Xenia."

Dan Jordan, 91 Tackett Drive, thanked Council on behalf of Bridges of Hope; he appreciated the response and favorable vote for Bridges of Hope. He appreciated all the help from City Staff, Mr. Merriman, Mr. Duke, Mr. Berger, etc. He reported that Bridges of Hope has made progress over the last two weeks, which includes two major partners coming on board to help with the building; there is a lot of interest and a lot of energy. There is still a lot work to be done, but he appreciated Council's support. Bridges of Hope will help the community be the best it can be.

Mark Jarvis, 715 Mt. Vernon Drive, said he wanted to know how much money the City of Xenia spent to have a police officer present at the last meeting.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: This report will be rescheduled due to Vice President Smith's absence.

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA met on May 2nd to discuss the following events:

- **First Fridays** ~ May 5th event (which was cancelled due to bad weather).
- **Arbor Day Educational Day Event** ~ The Tree Committee hosted two successful Arbor Day events with the planting of two trees at Shawnee Park and one at Arrowood School.
- **Annual Easter Egg Hunt** ~ The event was a success with several hundred kids in attendance, and over 50 baskets given out to kids of all ages.
- **Fishing Derby** ~ The event will be held on June 3rd at 9 a.m.; she invited the public to participate.

Councilman Wallace asked when the First Fridays would be rescheduled. Mr. Merriman said he has not heard back from the First Fridays Committee, but he will update Council as soon as he gets additional information. The weather forced a lot of the vendors to cancel; therefore, there would not have been any vendors for the first event. Councilwoman Mills noted the next

scheduled First Fridays is June 2nd and the Fishing Derby is June 3rd so she is hopeful it will be a full weekend in the City of Xenia.

Traffic Commission: Councilwoman Mays said the XTC met on April 11th to discuss the site issues for motorists traveling from S. Whiteman Street to westbound E. Main Street. Due to the limited time between that meeting and their regularly scheduled May 1st meeting, the Commission plans to address the issue in June. She reminded the public there is still a vacancy on the Traffic Commission and invited anyone interested to contact the City Clerk's Office.

Board of Zoning Appeals: Mayor Bayless said BZA met on April 24th on the following two variance requests, which were very similar:

- Request to allow a 6' tall wood privacy fence to be constructed in the front yard of a corner lot at 2326 Minnesota Drive filed by property owner Shawn Davidson, which was denied.
- Request to allow a 6' tall wood privacy fence to be constructed in the front yard of a corner lot at 590 Colorado Drive filed by property owner Robert M. Bynum Jr., which was also denied.

She reminded the public there is still an opening on the Board of Zoning Appeals and invited anyone interested to contact the City Clerk's Office.

ITEMS FROM CITY COUNCIL AND MAYOR: Councilman Louderback asked if staff could clarify the vote regarding Bridges of Hope and the Simon Kenton building. He noted there was a vote of 3:2 to enter into negotiations, but an ordinance still needs to be voted on by Council. It is not yet a done deal. Mr. Merriman concurred; the transfer of the property requires passage of an ordinance to approve the purchase agreement pursuant to the City's regulatory requirements. Staff has tentatively projected an ordinance will be presented at the next meeting.

REPORTS OF CITY OFFICES:

Xenia Municipal Court:

Emergency Appropriation Ordinance for the XMC Document Imaging Solution – Back Scanning Project. Mr. Pete Creamer, XMC Clerk of Court, said there is a critical need to address the horrendous condition of the XMC file records. Consequently, Court staff started to get damaged files into better shape to protect the integrity of the files and began scanning and digitizing the files in 2009. However, the files from pre 2009 have not been digitized and are currently stored in metal storage cabinets in the basement, but the physical work and labor of moving the files has been a major concern. He began to look at the possibility of back scanning the files to help protect their integrity. Unfortunately, enlisting a vendor to digitize the files was cost prohibitive. He was made aware of an Ohio Court Technology Grant that would be made available for Courts to make application. Therefore, he petitioned for two grants: one for the recording equipment in the new Justice Center and the other for \$67,450 to digitize the remaining records. He received notification in April 2017 that they were awarded the grant in the amount of \$67,450, which was the third highest grant awarded to a Municipal Court in the State of Ohio. The check has already been received and deposited; therefore, he is requesting Council pass the proposed ordinance as an emergency to allow XMC to complete the Document-Imaging Back Scanning project.

Councilman Wallace presented an ORDINANCE AMENDING ORDINANCE 17-03 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, FOR THE PURPOSE OF ADDING FUNDS TO THE XENIA MUNICIPAL COURT GENERAL FUND, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Wallace, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Brief discussion followed.

Several council members congratulated the Court on their receipt of the grant. Councilman Wallace asked if the paper records would be destroyed. Mr. Creamer said yes, which is in compliance with local and Supreme Court rules. After the Court has an accessible digitized copy, the paper files will be shredded. Ricoh/Woodhull is approved by the government to perform the work, and he received recommendations from two other courts that have used them in the past. President Engle asked if the company will have a protected backup copy. Mr. Creamer confirmed; their goal is to have a copy of the backups on site and at the Public Service Center.

The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

Motion by Councilman Wallace, seconded by Mayor Bayless, that Ordinance Number 17-21 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

City Manager's Office:

Authorize a contract for Property and Liability Insurance. Mr. Merriman respectfully requested authorization to execute a contract with Public Entities Pool of Ohio for property and liability insurance coverage from May 1, 2017 to May 1, 2018 in an amount of \$205,461 with Montgomery Insurance continuing to serve as the broker of record and our local customer service agent. Staff feels that continuing the arrangement with PEP provides a cost effective approach to this important service provision. Staff continues to work with Montgomery Insurance and PEP representatives to refine coverage and ensure good service delivery for the City of Xenia.

Motion by Councilwoman Mays, seconded by Councilwoman Mills, to authorize the City Manager to execute a contract with Public Entities Pool of Ohio for property and liability insurance coverage from May 1, 2017 to May 1, 2018 in an amount of \$205,461. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

Items for the City Manager: Mr. Merriman provided the following update:

- **Hamvention:** City staff has continued to work with leadership from Greene County, Xenia Township, and the convention planners for the now imminent 2017 Dayton Hamvention at the Greene County Fairgrounds. The event will occur May 19-21st. The City will play a critical role in the event administration supporting public safety and traffic control needs in addition to marketing and various other community outreach efforts they are participating in. Residents will see the first signs of Hamvention within the next few work days as banners and signage will begin to appear. City staff, working with Xenia Township leaders, has sent out information letters to local residents around the convention site that will be specifically impacted by the event in order to prepare them. Staff issued the first of two community-wide hyper reach calls today with event details and info on potential impacts to the public given the infusion of conventioners expected to arrive next weekend. Event organizers project 30,000 or more attendees daily at the event, which effectively doubles the local population. Additionally, they will send out a second community-wide hyper reach call as a final reminder with any updates next Thursday evening, which is the night before the convention opens. City staff is working with the Convention and Visitors Bureau to take specific steps to reach out to the local business community to make them aware of what's coming and the opportunity many of them have to capture additional business with the convention coming to town. Staff is doing their best to conduct business outreach to help prepare for the additional visitors during the event. Everyone is excited about the event and looking forward to assessing the event at its conclusion. The only issue is the preliminary forecast is showing the potential for rain for Thursday and Friday, which could complicate things.

Finance Director's Office:

Introduction of a Resolution authorizing the certification of assessments to the County Auditor for unpaid weed mowing, trash clean up, and utility invoices. Mr. Bazalak respectfully requested the introduction of a Resolution to certify assessments to the County Auditor for unpaid weed mowing, trash clean up, and utility invoices; this is the first one for the year. He noted they are now permitted to do assessments three times per year.

Councilman Louderback introduced a RESOLUTION PROVIDING FOR ASSESSMENTS TO BE LEVIED AND AUTHORIZING THE FINANCE DIRECTOR TO CERTIFY THOSE ASSESSMENTS TO THE COUNTY AUDITOR, and it was read for the first time.

Schedule of Bills: Mr. Bazalak presented payment of bills totaling \$751,456.46.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, to approve payment of bills totaling \$751,456.46. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: None.

Law Director's Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Schaeffer presented an ORDINANCE APPROVING A MAJOR CHANGE TO A PUD CONCEPT PLAN FOR AN EXISTING 158.382-ACRE PLANNED UNIT DEVELOPMENT ENCOMPASSING PARCELS

OR PORTIONS OF PARCELS FORMERLY KNOWN AS THE OHIO VETERANS CHILDREN'S HOME (OVCH) BY INCREASING THE PUD TO A TOTAL OF 249.837 ACRES AND MODIFYING THE PUD STANDARDS, and it was read for a second time.

Motion by Mayor Bayless, seconded by Councilman Wallace, that Ordinance Number 17-22 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Schaeffer presented an ORDINANCE AMENDING PART TEN – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE SIX: OTHER PUBLIC SERVICE, CHAPTER 1060: SANITATION SERVICE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 17-23 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Schaeffer presented an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for a second time.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, that Ordinance Number 17-24 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Schaeffer presented an ORDINANCE AMENDING PART TWO – ADMINISTRATIVE CODE, TITLE SIX: ADMINISTRATION, CHAPTER 260: EMPLOYEES GENERALLY, §260.03 PAY SOURCES OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO AMEND PAY SOURCES FOR LABORER, and it was read for a second time.

Motion by President Engle, seconded by Councilman Wallace, that Ordinance Number 17-25 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Bayless, and Engle
Nays: Mays and Mills motion carried.

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback and Councilwoman Mays had nothing further to share.

Councilman Wallace said the Xenia High School Marching Band performed at the Wilberforce commencement on Saturday. They seemed to enjoy the opportunity and did a fantastic job! The

students represented XHS very well, and he congratulated them on their performance. He noted it was the first graduation ceremony for Wilberforce's 21st President, Mr. Herman Felton.

Councilwoman Mills said school will start before the next Council meeting, so she congratulated the XHS Class of 2017; she is very proud. President Engle congratulated Councilwoman Mills on her child's upcoming graduation on May 24th at Wright State University's Nutter Center.

Mayor Bayless provided the following updates:

- She attended Wilberforce University's baccalaureate service and congratulated Xenia Police Captain Steve Lane on his graduation from the University's CLIMB (Credentials for Leadership in Management and Business) program.
- She also recently attended the Central State University graduation.
- She attended the Change of Command ceremony at the National Museum of the U.S. Air Force, which was the first time they had a two ceremonies at one time.
- She attended the Greene Memorial Hospital prayer breakfast. She enjoyed listening to former president Terry Burns who spoke at the event.
- She attended several events on Friday, May 5th:
 - She attended the Greene County Legislative Breakfast at the Greene County Career Center where area politicians provided updates at the County and State level.
 - She attended the "Cycling Attracts" Workshop at Wright State University.
 - She attended the Denim and Diamonds fundraiser to benefit the Greene County Domestic Violence Center.
- She was a special guest at CSU's graduation on Saturday, May 6th.
- She greeted a group of bikers from the International Trails Symposium on Sunday, May 7th, after church. She noted the bikers were from all across the country. The bikers thought the City was wonderful and were delighted that she greeted them on behalf of the City of Xenia.
- On Tuesday, she greeted other members of the International Trails Symposium at the Bike Hub as they began their slow roll tour of historical sites in Xenia.
- She and Bruno attended the Arbor Day tree planting event at Arrowood School.
- She attended Xenia's Teacher Retirement Dinner and was honored to speak on Lori Anger's behalf, who is the wife of newly retired Xenia Police Detective Scott Anger.
- She congratulated all the recent retirees including Superintendent Denny Morrison who has given so much to the school district and the community. He will be missed.

President Engle said Mayor Bayless and he attended the School Board meeting, which was held earlier this week where they heard about the Kids of Character, which was represented by a student from each Xenia Community School. They were also able to meet the Graduates of Distinction for the Class of 2017. The Board heard from 13 people in favor of putting the school levy back on the ballot in August. The comments received by the Board were overwhelmingly positive. He encouraged everyone on either side of the equation to seek out the facts and to only provide documentable facts and not merely opinions or slanted statements. He hopes everyone will respect each other's point of view and move forward with character, hospitality, and integrity as they go through the process, which will be interesting and challenging. He congratulated the XHS, CSU, and Wilberforce University graduating classes. It is a great time and a time of great change. He wished them all luck in the future. He offered a very sincere thanks to Superintendent Morrison for his service. He has been a phenomenal superintendent for Xenia Community Schools, and one who will not be easily replaced. He wished him well, and all the blessings and enjoyment that come with retirement.

ADJOURNMENT: Motion by President Engle, seconded by Councilman Wallace, to adjourn the Regular Session at 7:53 p.m. to go into Executive Session to discuss Personnel Matters to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee per XCO §206.04(a)(1) and ORC §121.22(G)(1). No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council